

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ACHATES REFERENCE  
PUBLISHING, INC.

*Plaintiff,*

v.

SYMANTEC CORP, et al.

*Defendants.*

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Case No. 2:11-CV-294-JRG-RSP

**ORDER**

Before the Court is Defendant Symantec Corporation's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted (Dkt. No. 187, filed July 4, 2012). The Magistrate Judge filed a Report and Recommendation on January 10, 2013 (Dkt. No. 303). Given that no timely objections have been filed, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation.

For the reasons stated in the Report and Recommendation, Symantec's Motion to Dismiss (Dkt. No. 187) is **GRANTED IN PART** and **DENIED IN PART**, and Achates' claim for willful infringement as to Symantec is **DISMISSED WITHOUT PREJUDICE**.

**So ORDERED and SIGNED this 25th day of February, 2013.**

  
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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE